

REMARKS

In the present response, the Specification is amended for clarification purposes only. In addition, claims 1, 16, 18, 21, 25, and 31 have been amended and claims 15, 33, and 34 have been canceled. Thus, claims 1-13, 16-19, 21-25, 27-31, and 35-37 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Objections to the Claims

Claims 33-34 were objected to because of certain informalities. Claims 33-34 have been cancelled rendering objection thereto moot.

Section 102 Rejection

Claims 1-11, 13, 15-19, 21-25, 27-31 and 33-37 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,978,770 to Waytena et al. (hereinafter "Waytena"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegual Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Furthermore, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, as arranged in the claim. *W.I. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Using these standards, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Waytena does not disclose generating a first notification quantity value by applying a conversion rate factor to an inventory quantity of a product, and informing a buyer of a change in inventory status of the product if an aggregate quantity of the product is equal to or greater than the first notification value. Present claims 1, 18, and 31 have been amended to include the aforementioned subject matter previously included within present claim 25. The amendment of claim 1 was taken from claim 15, the amendment of claim 18 was taken from claims 21-22, and the amendment of claim 31 was taken from claims 33-34. Accordingly, these amendments do not present new subject matter.

Waytena discloses a system and method "that allows patrons in an amusement part or other facility to schedule reservations in queues for attractions and other services." (Waytena, column 2, lines 47-49). Waytena, however, does not disclose generating a first notification quantity value by applying a conversion rate factor to an inventory quantity of a product, and informing a buyer of a change in inventory status of the product if an aggregate quantity of the product is equal to or greater than the first notification value, as recited in present claims 1, 18, 25, and 31.

Instead, Waytena discloses a Personal Communication Device (PCD) that may be used by patrons of the amusement park to schedule reservations for an attraction and to confirm their reservation within a virtual queue (i.e., a virtual place in line). The virtual queue is managed by an attraction computer. See, e.g., Waytena, column 2, line 46 to column 3, line 28. In regards to informing a buyer (patron) of a change in the inventory (reservation) status, Waytena discloses, "[u]pdates to reservation times may be required due to problems with attractions or other unforeseen circumstances. If necessary, the attraction computer may transmit an alert message to the PCD to inform the patron of a change to his or her reservation time." (Waytena, column 3, lines 29-33). However, Waytena does not disclose that the transmission of the alert message is dependent on a "notification quantity value," or any other value that may be generated by applying a conversion rate factor to an inventory quantity of a product. Rather, the alert message of Waytena is transmitted to all patrons with reservations pending for a particular attraction if the attraction and/or reservations become unavailable.

For example, Waytena states, "PCD 102 may also receive Attraction Update messages providing information for updating the attraction descriptions stored in [PCD storage] 205... [these] messages are sent by attraction computer 101 responsive to some change in the status of the attraction... for example if an attraction is closed for repair." (Waytena, column 19, lines 20-25). Waytena also states, "after sending the attraction update message, computer 101 checks the contents of virtual queue 210 to determine whether any reservations need to be changed. It then sends reservation update messages to all PCDs 102 associated with such reservations." (Waytena, column 19, lines 49-55). As such, the invention of Waytena automatically sends "reservation update messages" or "alert messages" to all patrons (with reservations affected by the change in attraction status) if the change in attraction status necessitates a change in reservation times. Therefore, Waytena fails to disclose that buyers (patrons) may be informed of a change in the inventory status of a product (reservations/attraction) if an aggregate quantity of the product is equal to or greater than a first notification value, as taught in present claims 1, 18, 25, and 31. Consequently, Waytena fails to anticipate all limitations of present claims 1, 18, 25, and 31.

However, statements in the Office Action suggest that Waytena discloses, "generating a first notification value (a first calculated line capacity after factoring in the estimated downtime; col. 11, ln. 40-45) by applying a conversion rate factor (estimated downtime value) to the inventory quantity (line capacity), and said informing (sending a message) occurs if the value of the aggregate quantity (# reserved spots) is equal to or greater than the value of the first notification value (first calculated line capacity with estimated downtime calculation; if the # of reserved spots equals the calculated line capacity, other patrons are notified that the ride is unavailable)." (Office Action, page 5). The Applicant respectfully disagrees.

The Examiner suggests that Waytena generates a "first calculated line capacity" by applying an "estimated downtime value" to the "line capacity" of an attraction, and therefore, teaches the presently claimed step of generating a notification value by applying a conversion rate factor to the inventory quantity of a product being considered for purchase by a buyer. First of all, there is absolutely no mention of a "first calculated line capacity" within column 11, lines 40-45 of Waytena, or any other portion of Waytena. Therefore, Waytena does not generate a "first calculated line capacity" by applying an "estimated downtime value" to the "line capacity" of an attraction, as suggested by the Examiner.

Instead, Waytena discloses that the estimated downtime value (263) and other information stored within attraction information storage (213) "are used by request processor 209 in determining scheduling of reservations." (See, Waytena, column 11, lines 18-67). For example, when request processor (209) receives a reservation request from a patron for a particular attraction, the request processor (209) "retrieves 703 attraction information from storage 213, including throughput, downtime, current status, and the like..." (See, Waytena, column 22, lines 23-51). Using the estimated, projected, current or historical throughput figures, "[p]rocessor 209 determines 705 the effective throughput for the virtual queue by taking into account the interleave ratio R to allow for admission of patrons from the physical queue." (Waytena, column 22, lines 52-59). Waytena discloses that the effective throughput (denoted "VQthroughput") can be reduced by estimated downtime percentages, in some embodiments, to better estimate the number of guests that can be admitted to the attraction from the virtual queue per unit time (e.g., 40 guests may be admitted from virtual queue 210 per hour). See, e.g., Waytena, column 22, lines 55-67. As such, Waytena actually generates an effective throughput value (not a first notification value) by applying an estimated downtime percentage (not a conversion rate factor) to the estimated, projected, current or historical throughput figures (not an inventory quantity) stored within attraction information storage (213). Consequently, Waytena does not generate a first notification value by applying a conversion rate factor to the inventory quantity of a product being considered for purchase by a buyer, as recited in present claims 1, 18, 25, and 31.

The Examiner also suggests that Waytena informs other patrons that a ride is unavailable if the “# reserved spots” for the attraction is equal to or greater than the “first calculated line capacity with estimated downtime calculation”. First of all, Waytena does not disclose a “first calculated line capacity”, and therefore, cannot inform patrons that a ride is unavailable if the number of reserved spots is equal to or greater than the alleged “first calculated line capacity”, as suggested by the Examiner. Second, the presently claimed limitation does not include a step of informing other buyers (patrons) of the unavailability of a product (ride), as suggested by the Examiner, but instead, informs the buyer considering the product of a change in the inventory status of the product being considered. The Examiner fails to provide some teaching or suggestion within Waytena that discloses the claim limitation, as actually recited in present claims 1, 18, 25 and 31. Third, the effective throughput value of Waytena is not used to determine whether a patron should be informed of a change in his/her reservation status. Instead, Waytena simply informs all patrons with reservations pending for a particular attraction if the ride becomes unavailable. Consequently, Waytena does not inform a buyer of a change in the inventory status of a product if an aggregate quantity of the product is equal to or greater than the first notification value, as recited in present claims 1, 18, 25, and 31.

For at least the reasons stated above, Applicant asserts that independent claims 1, 18, 25, and 31, as well as claims dependent therefrom, are not anticipated by the cited art. Accordingly, Applicant respectfully requests removal of this rejection.

Section 103 Rejection

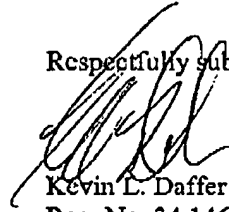
Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Waytena. Since claim 12 is dependent on claim 1, claim 12 is asserted to be patentably distinct over Waytena for at least the same reasons noted above for the patentability of claim 1.

CONCLUSION

The present amendment and response is believed to be a complete response to all issues raised in the Office Action mailed January 2, 2004. In addition, the prior art made of record but not relied upon is not considered to be pertinent to the Applicant's disclosure. In view of the remarks traversing the rejections, Applicants assert that pending claims 1-13, 16-19, 21-25, 27-31, and 35-37 are in condition for allowance. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Conley Rose, P.C. Deposit Account No. 03-2769/5468-05900.

Respectfully submitted,



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